

Shawn Cassista
XXXX XXXXXXXXXXXX XXXX
Mississauga, ON. XXX XXX

January 24th, 2013

The Justices of the Peace Review Council
P. O. Box 914
Adelaide Street Postal Station
31 Adelaide Street East
Toronto, Ontario M5C 2K3

To Whom It May Concern:

I am bringing forward a very serious complaint regarding Justice of the Peace Margot McLeod as she has been blatantly negligent in her duty to perform in the best interest of the public as seen specifically in the manner in which she adjudicated the matter involving me.

I bring your attention to file number 3161-10-001942. Recently, a transcript had been made available and you can now refer to this transcript for the evidence of my claims.

At trial, on July 19th 2012 in Mississauga, JP M. McLeod was negligent in her duty to perform on four (4) counts and in the process eroded the fundamental principles of justice by making huge errors including making negligent remarks “on the record.”

I have to first say that the prosecutor, Mr. A. Bruno commenced the proceeding against me in a disparaging manner but that does not excuse her behavior when the facts were right there in front of her.

First, after Mr. A. Bruno unjustifiably damaged my credibility in this matter, JP M. McLeod refused to allow me to bring forward two motions that set precedence over the trial. To quote the Justice, she stated on the record, “*motion, shmotion*” and goes on to say, “*I’ve had enough of your motions. I’ve had enough of this stuff. You’re playing fast and loose with the process.*”

JP M. McLeod allowed herself to be deceived by the prosecutor when the facts regarding all events were right before her.

Second, she also refused to show any mercy to me as I represented myself and also refused to accept an accurate one page (one page at the time) timeline sheet of all events that took place since this matter began. That timeline sheet, now in its entirety, is attached.

Third, when JP McLeod declared that the court was going ahead with a trial “*right now*”, I spoke up and questioned her and stated the following: “*so you’re going to deny me the right*”... (I did not finish as I was cut off – but I was going to say, “*to bring forward motions*”)... She responded on the record with, “*No, you don’t have any [rights].*”

This is absolutely disgraceful. Her incompetence led her to remark that I have no rights. This JP should be removed from office after clearly stating on the record that someone has no rights.

Fourth, when I responded to this great injustice with, “*That’s grounds for appeal*”, the following comments were made by her on the record, “*There’s no grounds for appeal here, sir.*”

Further stating, to be clear, “*No, do you understand, sir? There’s no grounds for appeal.*”

And once again she states the following, as if to drive it into my head, “*Okay, so do you understand sir, there’s no grounds for appeal or you may perceive that there is, but however, this court feels the information before the court and the information provided by the crown shows that this process has been abused enough.*”

As a Justice of the Peace, her role is to act as a neutral party and hear both sides. She did not address me much regarding the confusion of the dates of events which transpired during the course of this matter. She addressed only the Crown and assumed everything he stated was correct and that I was wasting the court’s time. She was very intimidating and almost appeared to be giving legal advice with these comments. She failed in her duty to act as a neutral party and hear both sides as well as to decipher the facts before her.

Furthermore, recently I had come across a newsletter from the *Prosecutors’ Association of Ontario* titled *The Disclosure Vol. 2 – Issue 1 March 2011* that may shed some light on the appalling behavior of this JP. I found a section to be very disturbing in regards to how our justice system operates as it clearly explains the incompetency of our sitting justices, and specifically JP M. McLeod...

*I begin by indicating that I fully appreciate that those individuals who are appointed to sit as justices of the peace are frequently citizens who have a wealth of experience in the community, in the business world, in the education field, in all aspects of employment who often come to this position later in life. **They rarely have any training in legal matters and it is exceptionally rare that an individual would be appointed with some working knowledge of the laws of evidence and criminal process.** They are trained on a very steep learning curve. **That training falls far less than that received by even a first-year law student.** They are asked to draw upon their experience, common sense and general knowledge and their somewhat limited training to preside over matters in the Provincial Offences Court. They acquire a great deal of experience on the job.*

***There is a lack of analysis, there is a lack of conclusions, there is a lack of weighing and assessing of evidence.** If I’m asked to decide or to review how the Justice of the Peace made this decision, what was important and what was not important, the reasons are absolutely lacking and those alone would indicate that the reasons are insufficient, constituting a palpable and overriding error.*

The court refers to R. v. Shephard “It would be wrong to expect them (Judges and Justices of the Peace) to explain in detail the process they followed to reach a verdict. They need only give reasons that the parties can understand and that permit appellate review.” [Emphasis added.]

Is this really how our legal system functions – with people who are completely unqualified as far as the legal process is concerned, as their “training falls far less than that received by even a first-year law student”? It appears, based on the above insertion, that this is happening on a grand scale and is of a great concern as I highly doubt few JPs and judges are educated in the fundamental principles of justice, natural justice and the legal process.

I will also state that grounds for the appeal were heard in a Brampton court on December 14th, 2012 and they were accepted. A date was set to hear the full appeal on February 8th, 2013.

Furthermore, I appeared in court some time after this occurrence on another matter and once again JP M. McLeod was presiding. She was negligent in her duty that day as well and further information regarding that event will be forthcoming and another complaint regarding the conduct of this Public Servant is pending.

With no ill will, I only want the opportunity to bring the facts and law into the courtroom and see justice prevail as a man asserting his right to do so. My intentions are honourable and not vexatious in any manner, but merely, as a *pro se* defendant, using every lawful means to defend myself in these matters.

Sincerely,

Shawn Cassista